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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,051	01/21/2004	Matti Parnanen	037145-0901	4470
30542 7590 01/24/2008 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER NGUYEN, PHILLIP H	
			ART UNIT 2191	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,051

Applicant(s)

PARNANEN ET AL.

Examiner

Phillip H. Nguyen

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 12/14/2007.
2. Claims 9-14 and 21 have been amended; Claims 1-23 remain pending and have been considered below.

Response to Amendment

3. The rejection to claims 1-23 under 103(a) of previous action is withdrawn in view of Applicants' amendment.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Regarding claim 8, recites a device but it appears reasonable to interpret this device by one of ordinary skill in the art as software per se.

Applicant's specification provides no explicit and deliberate definition of the components such as **consumer application, provider application and application interworking framework** that make up the device other than they are software components, which are directed to functional descriptive material, per se, and are therefore non-statutory. Claims 9-16 directly or indirectly depend on claim 8 and therefore suffer the same deficiency.

- Regarding claims 17-20 recite a system similar to the device in claim 8 and therefore suffers the same rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 5-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayton et al. (United States Patent No. US 7,194,743 B2).

As per claim 1, Hayton teaches:

- *requesting from an application interworking framework a feature matching a consumer interest of a consumer application* (see at least col. 11, lines 41-43 “the user initiates execution of the application 26 or

request delivery of the page 42"; col. 17, lines 24-26 "...client node 64 requesting execution of the application 26 and/or in response to the client node 64 requesting the page 42...");

- *using the consumer interest and a feature capability to identify a provider* (see at least col. 11, lines 50-52 "API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path");
- *providing the feature, if the provider is identified, to the consumer application* (see at least col. 2, lines 45-49 "user interface portion of the application can be delivered to the computer user either on the same machine on which the application is executing or on another machine remote from the machine executing the application"; col. 18, lines 57-60 "The server portion 22b transmits to the client portion 22a any change events associated with those property paths in which the client portion 22a has indicated interest"); and
- *utilizing the feature at the consumer application* (see at least col. 18, lines 60-67 "When the event manager 74 receives a property change event...The event manager 74 communicates the updates due to the change event to each of the UI elements 46 mapped to the property path").

As per claims 2, 12 and 18, Hayton further teaches:

- *using generic parameters in application interworking framework application programming interfaces (APIs) (see at least FIG. 1; see col. 11, lines 50-52 "API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path").*

As per claim 3, Hayton further teaches:

- *wherein the application interworking framework interfaces the consumer application with the feature provider (see at least FIG. 1).*

As per claim 5, Hayton further teaches:

- *adding a feature user interface element along with the feature (see at least FIG. 1).*

As per claims 6 and 16, Hayton further teaches:

- *wherein the feature user interface element comprises menu commands and a setting page or other user interface elements (see at least col. 11, lines 15-19 "The UI element 46 can be, for example, an input box for textual or numerical input and display of a value of a property...a horizontal slider for numerical...").*

As per claim 7, Hayton further teaches:

- *wherein the application interworking framework implements two application programming interfaces (APIs), including a consumer API and a set of provider APIs, wherein the provider APIs match the desired user interface elements (see at least FIG. 1; see col. 11, lines 25-30 "property connector API 22 includes a client portion 22a and a server portion 22b. The property connector API 22, and thus the client portion 22a and the server portion 22b, is a process that is independent of the application 26").*

As per claims 8 and 17, Hayton further teaches:

- *a consumer application that publishes a feature interest indicating what features the said consumer application desires to have (see at least FIG. 1; see at least col. 10, lines 66-67 "The client process 18 produces a user-interface ("UI") 42 that is displayed to a user");*
- *at least one provider application that has at least one feature available (see at least FIG. 1; see col. 10, line 6 "application 26") and*
- *an application interworking framework that provides an interface for the said consumer application and the said provider application such that the said feature interest is matched with one of the features available from the said provider application (see at least FIG. 1, API 22).*

As per claim 9, Hayton further teaches:

- *wherein the new consumer application is an application provided by a terminal manufacturer (see at least FIG. 1; see col. 10, line 1 "a server process 14").*

As per claim 10, Hayton further teaches:

- *wherein the new consumer application is an application provided by a third party to a user of the device (see at least col. 8, lines 51-59 "a third party could generate a user-interface for published application...A third party could design a new client type without the server's involvement").*

As per claim 11, Hayton further teaches:

- *wherein the new consumer application integrates into the device as if part of an original group of software applications for the device (see at least col. 10, lines 66-67 "The client process 18 produces a user-interface ("UI") 42 that is displayed to a user").*

As per claim 13, Hayton further teaches:

- *wherein the feature interest of the new consumer application comprises menu options not on the device before introduction of the new consumer application to the device (see at least col. 8, lines 22-23 "predefined element includes one or more of the following: a dropdown menu"; col.*

21, lines 18-20 "A dropdown type is a nested dropdown menu, where each choice is a value from a range of indexed properties").

As per claim 14, Hayton further teaches:

- *wherein the user interface elements corresponding to the matched features are placed in the interest placeholders (see at least col. 11, lines 50-52 "API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path").*

As per claim 15, Hayton further teaches:

- *wherein the consumer application is a new consumer application (see at least col. 33, lines 36-38 "When the user clicks on a link, the client node 64 requests a new page 42' from the proxy process").*

As per claim 19, Hayton further teaches:

- *wherein the consumer application obtains user interface elements from other providers (see at least col. 17, lines 38-39 "user requesting the page 42 associated with the application 26").*

As per claim 20, Hayton further teaches:

- *wherein the client device is a mobile telephone* (see at least col. 14, lines 56-58 "The client node 64 can be any computing device (e.g., a person computer, set top box, phone, handheld device, kiosk, etc)").

As per claim 21, Hayton further teaches:

- *provide a consumer application interest resource for a consumer application specifying at least one user interface element* (see at least col. 11, lines 41-43 "the user initiates execution of the application 26 or request delivery of the page 42"; col. 17, lines 24-26 "...client node 64 requesting execution of the application 26 and/or in response to the client node 64 requesting the page 42...");
- *store user interface element corresponding to the consumer application interest resource in a file* (see at least col. 16, lines 31-32 "The property browser can save the obtained results in the property file");
- *communicate said user interface element to an application interworking framework* (see at least col. 2, lines 45-49 "user interface portion of the application can be delivered to the computer user either on the same machine on which the application is executing or on another machine remote from the machine executing the application"; col. 18, lines 57-60 "The server portion 22b transmits to the client portion 22a any change

events associated with those property paths in which the client portion 22a has indicated interest"); and

- *add said user interface element to the consumer user interface (see at least col. 18, lines 60-67 "When the event manager 74 receives a property change event...The event manager 74 communicates the updates due to the change event to each of the UI elements 46 mapped to the property path").*

As per claim 22, Hayton further teaches:

- *computer code to generate a class of generic parameters (see at least col. 15, lines 25-55).*

As per claim 23, Hayton further teaches:

- *computer code to pass arguments within the application interworking framework (see at least col. 11, lines 43-48 "when the computing device initiates execution of the property connector API 22, the computing device also receives a startup argument including the name of a file containing the UI page 42").*

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al. (US 7,194,743 B2), in view of Gudmundson (WO 00/58855).

As per claim 4, Hayton does not explicitly teach:

- *wherein the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function calls.*

However, Gudmundson teaches:

- *wherein the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function calls (see at least page 9, lines 5-6 "The feature repository contains all the components required to enable a particular capability or feature (e.g., dynamic link library (DLL) files...").*

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to recognize that the use of DLL is well known in the art and modify Hayton's approach to use a DLL to provide functions calls. One would have

been motivated to modify because DLL provides one or more functions and the application calls the functions by creating dynamic link to the DLL.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
1/9/2007


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